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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,917	09/05/2003	Brian Axe	16113-768001 / GP-143-00-	8377
26192 7590 06/09/2011 FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER BROWN, ALVIN L	
			ART UNIT 3682	PAPER NUMBER
			NOTIFICATION DATE 06/09/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/656,917	Applicant(s) AXE ET AL.	
	Examiner ALVIN L. BROWN	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-15,17-52,56-66 and 68-103 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5-15,17-52,56-66 and 68-103 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/30/2011; 3/19/2010</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 July 2010 has been entered. Claims 2-4, 16, 53-55, and 67 have been canceled. Claims 1, 5-15, 17-52, 56-66, and 68-103 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 5-15, 17-26, 28, 30-52, 56-66, 68-77, 79, 81-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wen (20010047297) in view of Boylan, III et al. (6,799,326).**

As per claims 1 and 52, Wen discloses a method and an apparatus for blocking advertisements, the method comprising:

referencing a primary advertisement within a web page (par [0058, 0059]) Wen discloses ads that are permitted to be published on the publisher's web page;

identifying, based on referencing the primary advertisement within the web page, at least one blocking category of ads to be blocked (par [0058, 0059]) Wen discloses categories of ads that are denied from being displayed;

accepting at least one ad for a secondary advertisement within the web page that features the primary advertisement, with each accepted ad being associated with at least one descriptive category, being configured to be embedded in the Web page of a content publisher and being provided by an advertising server (abstract, par [0004, 0030, 0058, 0059]);

identifying a document to which the at least one accepted ad is linked, the document representing a landing page related to the ad (abstract, paragraphs [0004, 0028, 0030]);

analyzing content in the document (paragraphs [0027, 0065]);

using the blocking category of ads to be blocked to develop the list of one or more secondary candidates for replacement with the primary advertisement, the secondary candidates being selected from the at least one accepted ad for the secondary advertisement and preventing the at least one selected ad from being included in the list of secondary candidates if at least a predetermined number of its at least one descriptive category match any of the at least one blocking category of ads to be blocked, wherein the at least one descriptive category associated with the ad is determined from the content of the document (par [0031, 0058, 0059]).

Wen does not explicitly disclose storing the at least one accepted ad on the advertising server for consideration in a list of secondary candidates.

However Boylan discloses storing the at least one accepted ad on the advertising server for consideration in a list of secondary candidates (col. 9, ll. 55-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Boylan's storing the at least one accepted ad on the advertising server to Wen's blocked advertisement. One would be motivated to do this in order to block advertisement based on content during a search session in order to prevent a competitor from advertising its product alongside the publisher's.

As per claims 28, and 79, Wen further discloses the descriptive category is a semantic cluster (par [0031, 0058, 0059]).

As per claims 30 and 81, Wen further discloses the descriptive category is a concept (par [0031, 0058, 0059]).

As per claims 5 and 56, Wen further discloses the act of preventing an ad from being served includes removing the ad from a set of eligible ads (par [0031, 0058, 0059]).

As per claims 6 and 57, Boylan further discloses the predetermined number is one (column 11, lines 30-45).

As per claims 7, 18-20, 32, 43-45, 58, 69, 70-71, 83, 94-96, Boylan further discloses the descriptive category is a product category, name and manufacturer (column 11, lines 30-45).

As per claims 8, 21-22, 33, 46-47, 59, 72-73, 84, 97-98, Boylan further discloses at least one of the at least one descriptive category is a service category (column 11, lines 30-45).

As per claims 9, 23, 34, 48, 60, 74, 85, 99, Boylan further discloses the at least one blocking category of ads to be blocked is accepted from a list associated with at least one document (column 11, line 55 – Column 12, line 3).

As per claims 10, 24, 35, 49, 61, 75, 86, 100, Boylan further discloses at least one document is at least one Web page (column 6, lines 53-67).

As per claims 11, 25, 36, 50, 62, 76, 87, 101, Boylan further discloses at least one document include Web pages of a Website (column 6, lines 53-67).

As per claims 12, 26, 37, 51, 63, 77, 88, 102, Boylan further discloses at least one document is at least one Web page associated with a path name (column 6, lines 53-67).

As per claims 13, 38, 64, 89, Boylan further discloses:
accepting user input indicating at least one term; and preventing an ad from being served if at least a part of its ad information includes at least a second predetermined number of any of the at least one term (column 11, lines 30-45).

As per claims 14, 39, 65, 90, Boylan further discloses at least a part of the ad information is content of a creative of the ad (column 7, line 65 - column 8, line 18).

As per claims 15, 40, 66, 91, Boylan further discloses at least a part of the ad information is keyword targeting terms associated with the ad (column 11, lines 30 – 45).

As per claims 41, 92, Boylan further discloses at least a part of the ad information is content of a document linked to by the ad (column 11, lines 30 – 45).

As per claims 17, 42, 68, 93, Boylan further discloses the second predetermined number is one (column 11, lines 30 – 45).

As per claims 31 and 82, Boylan further discloses the act of adjusting a weight of each of the at least one blocking category in a comparison function includes setting the weight to zero (column 12, lines 4-15).

As per claim 103, Wen discloses computer-readable medium having embodied thereon a computer program configured to block digital advertisements, the medium comprising one or more code segments configured, when executed,

receive user input for a primary advertisement within a web page indicating a category of digital advertisements to be blocked from distribution to a viewer over the distribution network (par [0058, 0059]);

receive user input for a secondary advertisement within the web page that features the primary advertisement indicating a digital advertisement, the advertisement being distributed with content distributed to viewers over the distribution network (par [0026]);

add the entry to the blocking category of ads to be blocked if the entry relates to the least one blocking category of ads to be blocked (par [0058, 0059]); and

using the blocking category of ads to be blocked to develop a list of one or more secondary candidates from the accepted secondary advertisements and block the digital advertisement from distribution over the distribution network if the category associated with the digital advertisement matches the indicated category of digital advertisements to be blocked, wherein the category associated with the digital

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advertisement is determined from the content distributed with the digital advertisement (par [0058, 0059]).

the ad configured to be embedded in a Web page of a content publisher and provided by an advertising server (abstract, paragraphs [0004, 0030]);

identify a document to which the digital advertisement is linked, the document representing a landing page related to the ad to be embedded in the Web page (paragraphs [0027, 0031, 0033]);

analyze content in the document; identify, based on analyzing the content in the document, at least one entry (paragraphs [0027-0030]).

3. Claims 27 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wen (20010047297) in view of Boylan, III et al. (6,799,326) further in view of Dedrick (5,724,521).

As per claim 27, Boylan discloses:

referencing a primary advertisement within a web page (par [0058, 0059]);
identifying, based on referencing the primary advertisement within the web page, accepting at least one blocking category of ads to be blocked for a primary advertisement within a web page (par [0058, 0059]) and

accepting at least one ad for a secondary advertisement within the webpage that features the primary advertisement, with each accepted ad being associated with at least one category being configured to be embedded in the Web page of a content publisher and being provided by an advertising server (abstract, par [0004, 0030, 0058, 0059]);

identifying a landing page that is related to the ad to be embedded in the Web page (par [0033]);

identifying, based on comparing the document to the at least one ad, the at least one ad as a candidate ad (par [0031, 0058, 0059]);

analyzing the candidate ad using the at least one blocking category of ads to be blocked (paragraphs [0027, 0058, 0059, 0065]);

using the blocking category of ads to be blocked to develop the list of one or more secondary candidates from the at least one ad for the secondary advertisement in response to determining, based on analyzing the candidate ad using the at least one blocking category of ads to be blocked, that the candidate ad should not be blocked (par [0031, 0058, 0059]).

Wen does not explicitly disclose

storing the at least one accepted ad on an advertising server for consideration in a list of secondary candidates.

However, Boylan discloses:

storing the at least one accepted ad on an advertising server for consideration in a list of secondary candidates (col. 9, ll. 55-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Boylan's storing the at least one accepted ad on an advertising server for consideration in a list of secondary candidates to Wen's blocked advertisement. One would be motivated to do this in order to block advertisement based

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on content during a search session in order to prevent a competitor from advertising its product alongside the publisher's.

Wen does not explicitly disclose:

adjusting a weight of each of the at least one blocking category in a comparison function; accepting a document being associated with at least one descriptive category; and comparing each of the at least one ad with the document using comparison function.

However, Dedrick discloses:

adjusting a weight of each of the at least one blocking category in a comparison function (column 2, lines 10-20);

accepting a document being associated with at least one descriptive category (column 2, lines 10-20); and

comparing the landing page of the at least one ad with the document using comparison function (column 2, lines 10-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Dedrick's document linked to an ad and weighted categories to Boylan's blocked advertisement. One would be motivated to do this in order to block advertisement based on content during a search session.

As per claim 78, Wen discloses an apparatus for determining a set of advertisements, the apparatus comprising: an input for accepting at least one blocking category of ads to be blocked (par 0058, 0059)];

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at least one ad, each ad being associated with at least one descriptive category (par [0031, 0058, 0059]);

a document being associated with at least descriptive category (par [0058, 0059]);

Wen, further discloses a landing page related to the ad to be embedded in the Web page a storage device structured and arranged to store the at least one ad on an advertising server (paragraphs (abstract, paragraphs [0004, 0028, 0030, 0045]);

the ad configured to be embedded in a Web page of a content publisher and provided by an advertising server (abstract, paragraphs [0004, 0028, 0030, 0045]);

means for comparing the landing page of each of the at least one ad with the document using the comparison function (column 2, lines 10-20);

means for identifying, based on comparing the document to the at least one ad, the at least one ad as a candidate ad (column 2, lines 10-20);

means for analyzing the candidate ad using the at least one blocking category of ads to be blocked (paragraphs [0058, 0065]);

means for determining, based on analyzing the candidate ad using the at least one blocking category of ads to be blocked, that the candidate ad should not be blocked (paragraph [0058, 0065]); and

means for adding the entry to the blocking category of ads to be blocked if the entry relates to the least one blocking category of ads to be blocked (par [0058, 0059]).

Dedrick further discloses means for adjusting a weight of each of the at least one blocking category in a comparison function (col 2, ll. 10-20).

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4. **Claims 29 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wen (20010047297) in view of Boylan, III et al. (6,799,326) further in view of Dedrick (5,724,521) further in view of Bangalore, Srinivas and Rambow, Owen, “Exploiting a Probabilistic Hierarchical Model for Generation. In: Proceedings of the 18th Conference on Computational Linguistics (COLING'2000), July 31 - August 4 2000.**

As per claims 29 and 80, the Wen, Boylan and Dedrick combination discloses the claimed invention as in claims 27 and 78.

The combination does not explicitly disclose the descriptive category is a probabilistic hierarchical inferential learner cluster.

However, Bangalore teaches probabilistic hierarchical inferential learner cluster (pages 42 – 48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Bangalore’s model of examining a set of word as concepts in a query to the combination's method of blocking advertisements. One would be motivated to do this in order to provide users with content specific advertisements.

Response to Arguments

Applicant's arguments filed 21 July 2010 have been fully considered but they are not persuasive. Applicant argues that “Wen does not describe or suggest a blocking category of ads to be blocked for a primary advertisement within a web page”. Examiner disagrees. Although Wen discloses categories of ads that are denied (par [0058, 0059]). Further Wen discloses referencing a primary advertisement within a web page (par

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[0058, 0059]) Wen discloses ads that are permitted to be published on the publisher's web page; identifying, based on referencing the primary advertisement within the web page, at least one blocking category of ads to be blocked (par [0058, 0059]) Wen discloses categories of ads that are denied from being displayed; accepting at least one ad for a secondary advertisement within the web page that features the primary advertisement, with each accepted ad being associated with at least one descriptive category, being configured to be embedded in the Web page of a content publisher and being provided by an advertising server (abstract, par [0004, 0030, 0058, 0059]); identifying a document to which the at least one accepted ad is linked, the document representing a landing page related to the ad (abstract, paragraphs [0004, 0028, 0030]); analyzing content in the document (paragraphs [0027, 0065]); using the blocking category of ads to be blocked to develop the list of one or more secondary candidates for replacement with the primary advertisement, the secondary candidates being selected from the at least one accepted ad for the secondary advertisement and preventing the at least one selected ad from being included in the list of secondary candidates if at least a predetermined number of its at least one descriptive category match any of the at least one blocking category of ads to be blocked, wherein the at least one descriptive category associated with the ad is determined from the content of the document (par [0031, 0058, 0059]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN L. BROWN whose telephone number is

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(571)270-5109. The examiner can normally be reached on Monday - Thursday 7:30 AM to 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Namrata Boveja can be reached on 571.272.8105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALVIN L BROWN/
Examiner, Art Unit 3682